

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 1:16-cv-10181-FDS

**DANNY WENG, CHRISTOPHER HART,
MARKUS VALLASTER, SARAH ZESCH,
JOHN STANTON, MICHAEL GOULD, and
COMMONWEALTH SECOND
AMENDMENT, INC.,**

Plaintiffs,

v.

**WILLIAM B. EVANS, in his Official Capacity
as Commissioner of the Boston Police
Department, and DANIEL C. O'LEARY, in his
Official Capacity as Chief of the Brookline
Police Department,**

Defendants.

JOINT STATEMENT FOR SCHEDULING CONFERENCE

Pursuant to the Notice of Scheduling Conference dated October 12, 2016, and in accordance with Local Rule 16.1(d), the Defendant William B. Evans ("Commissioner Evans"), the Defendant Daniel C. O'Leary ("Chief O'Leary"), and the Plaintiffs Danny Weng, Christopher Hart, Markus Vallaster, Sarah Zesch, John Stanton, Michael Gould, and Commonwealth Second Amendment, Inc. ("Plaintiffs"), (collectively, the "Parties") respectfully submit the following joint statement in connection with the scheduling conference to be held on November 3, 2016.

I. Timetable and Limitations for Discovery and Motion Practice

- a. Initial Disclosures:** Initial disclosures required by Fed. R. Civ. P. 26(a)(1) must be completed by November 17, 2016.

b. Discovery Event Limitations: The parties shall conform to the discovery event limitations set forth in Local Rule 26.1(C).

c. Amendments to Pleadings: Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after March 3, 2017.

d. Fact Discovery – Interim Deadlines:

i. Initial written requests for production of documents and interrogatories shall be served no later than January 13, 2017.

ii. All depositions, other than expert depositions, must be completed by June 30, 2017.

e. Fact Discovery – Final Deadline: All discovery, other than expert discovery, must be completed by June 30, 2017.

f. Status Conference: A status conference will be held on or about June 30, 2017. At the time of the status conference and in the event that the parties know that experts will not be used at trial, the parties will consider adjusting all subsequent deadlines.

g. Expert Discovery:

i. Plaintiff's trial experts must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by July 10, 2017.

ii. Defendants' trial experts must be designated and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by July 21, 2017.

iii. All trial experts must be deposed by August 25, 2017.

h. Dispositive Motions:

i. Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings must be filed by November 3, 2017.

ii. Oppositions to dispositive motions must be filed within 21 days after service of the motion.

i. Pretrial Conference: The initial pretrial conference will be scheduled at a later point in the proceedings. The parties shall prepare and submit a pretrial memorandum in accordance with Local Rule 16.5(d) five business days prior to the date of the conference, except that parties need not include matters required by Local Rule 16.5(d)(2) or (3). A final pretrial conference will be scheduled at the time the trial date is set.

II. Trial By Magistrate

The parties do not consent to a magistrate at this time.

III. Alternative Dispute Resolution

The parties have not participated in the Court's mediation program but may elect to do so once discovery has been completed. The parties remain open to the possibility of alternative dispute resolution and will notify the Court in the event that the parties decide to pursue such a course.

IV. Settlement

The Plaintiffs have made a settlement demand. The Defendants have not made an offer of settlement at this time but will comply with their obligations under Local Rule 16.1(c).

V. Certifications

The parties shall serve their Certificates of Compliance in accordance with Local Rule 16.1.

[Signatures on next page]

Respectfully submitted,

PLAINTIFFS, DANNY WENG,
CHRISTOPHER HART,
MARKUS VALLASTER,
SARAH ZESCH, JOHN STANTON,
MICHAEL GOULD, and
COMMONWEALTH SECOND
AMENDMENT, INC.,

By their attorneys,

/s/ David D. Jensen

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Dated: October 27, 2016

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By his attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that on the date below, I served a true copy of this document on the attorneys of record for all parties through the CM/ECF system.

Date: October 27, 2016

/s/ Matthew M. McGarry
Matthew M. McGarry